

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

v.

Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and
DAVA J. TUNIS,

Defendants.

PLAINTIFF'S NOTICE TO COURT

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and provides notice to the court of the posture of the state disciplinary proceedings, stating:

1. Attached hereto is a Notice filed this day with both the state disciplinary referee and with the Florida Supreme Court regarding the posture of the former.

2. As this District Court can see, Referee Tunis has chosen to ignore the U.S. Supreme Court ruling in *Johnson v. Mississippi* on the recusal issue, and she continues to thwart, improperly, discovery and other due process in the state proceedings.

3. Thompson is wasting his time, energy, and money trying to get blood out of the Tunis turnip.

4. This court has been apprised that the state's disciplinary trial, such as it is, is scheduled for November 26. The Bar's prosecutor has done everything conceivable to improperly block discovery in the run-up to that trial date, which assures that Thompson cannot have a fair trial. That's the plan. That was always the plan. This is the litigative equivalent of the old college basketball "four-corner offense" stall tactic outlawed by the

NAACP with its 30-second shot clock. Thompson can't put The Bar on such a clock, at least not within the "rules" by which they are playing, which are no rules at all.

5. As the court has seen, The Bar and the Referee have collaborated to deny Thompson any adequate state remedy for this mess. Despite the holding of the federal court in *Mason v. Florida Bar*, which Greenberg Traurig helpfully provided this court, the Board of Governors refuses to allow Thompson to raise constitutional issues, addressed in *Fieger* and elsewhere, to it. The state Supreme Court laughs at Thompson's writ of mandamus remedy, ignoring the state constitution's mandate that it exercise such power.

6. Similarly, Referee Tunis refuses to hold hearings on constitutional issues raised in *Fieger* and elsewhere. She refuses to hold hearings on motions to dismiss. She has, in every sense, shut down what could have been a salutary litigation process save for one event—the trial itself.

WHEREFORE, Thompson awaits this federal court's eventual ruling, one way or the other, hopefully after a hearing on his preliminary injunction and declaratory relief. On the state side of things, he can do nothing else, unless he were to be a Don Quixote tilting at windmills.

I HEREBY CERTIFY that this has been served upon record counsel this 12th day of September, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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